

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of Section 621(a)(1) of the Cable	)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended	)	
by the Cable Television Consumer Protection and	)	
Competition Act of 1992	)	

**COMMENTS OF THE TOWN OF LITTLETON, MASSACHUSETTS**

The Town of Littleton, Massachusetts appreciates the opportunity to file comments on the Second Further Notice of Proposed Rulemaking ("FNPRM") in the above-referenced docket. We are strongly opposed to any conclusions in the FNPRM that would alter or negate terms in the agreements we negotiated with our local cable network providers, which would define cable-related in-kind contributions as franchise fees, or state that local governments have no authority regarding cable operators' use of the rights of way to provide non-cable services.

Littleton has approximately 9,800 residents and over 5000 households. Both Verizon and Comcast provide cable-related services to the community and we have agreements with both operators that are in place until 2021. Littleton Community Television (LCTV), is our designated access provider and has been an integral part of this community since its inception in 2011. LCTV not only manages our three PEG channels and covers our municipal meetings, but also serves as a platform for residents and community groups to share their information and talents with the public. Groups like the Rueben Hoar Library, Littleton Elder and Human Services, Emerson Hospital, our Park Recreation and Community Education Department, Fire Department and Police Department, to name just a few, all use LCTV as a community resource.

In addition, LCTV offers community training and skill building opportunities to area residents. Their youth programs and the accredited high school Tiger News Network program cater to students who have an interest in multimedia. Utilizing both video and online articles, their local news department creates weekly content, highlighting the issues that are happening in and around our town, as well as the work being done inside our schools. This local content is generally not covered by established local media outlets that have moved to a more regional coverage model in ongoing cost reduction efforts.

Funding for LCTV, like most other community media centers in Massachusetts, comes from license agreements between the town and the cable operators. In Littleton, we successfully negotiated 5% of all cable revenue to be directed back to the town, in order to support LCTV services. Cable operators pass through both the franchise fees and capital payments to their customers, whose bills include line items called "Franchise Fees" and "PEG Fees."

We are concerned that the proposed action at the Federal Communications Commission regarding "in-kind offset" contributions could severely decrease, if not eliminate, that funding. Throughout our initial agreements and contract renewals with the cable operators in Littleton, franchise fees have always been understood to include monetary funding, not "in-kind contributions." Our agreements with both Comcast and Verizon are based on that understanding. A decrease in funding from franchise fees would lead to a decrease in local content currently available to our residents, less opportunity to engage our community in training and programming events.

We support the tentative conclusion that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The same reasoning should be applied to other cable-related contributions the Commission tentatively concludes are franchise



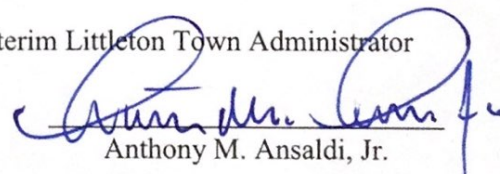
fees. Franchise obligations such as PEG channels and local customer service obligations are more appropriately considered community benefits, not contributions to LFAs, and, like build-out obligations, should not be considered franchise fees. For example, our franchise agreement requires the cable operators to provide monthly basic service to town buildings and schools at no charge. This allows LCTV to verify the residential signal quality of our local channels while viewing from the station as well as from any municipal building or school building where they initiate live programming.

Furthermore, with the unknown impacts to public safety and livability issues related to deploying wireless facilities or other non-cable facilities, we feel it is premature to grant blanket permissions to cable operators, or any other future providers, without local government oversight or involvement. It is also important to maintain a level playing field among providers of similar services, and this ruling would preclude applying the same regulations to cable operators as are applied to non-cable operators that provide competing services.

Because of the implications of reduced funding for our PEG services with undefined “in-kind” contributions that are, in our view, needed to transmit and verify quality programming signals, and the elimination of local control of public right-of-way use by companies offering non-cable related services, we strongly oppose the proposed rules in the FNPRM.

Respectfully submitted,

Interim Littleton Town Administrator



Anthony M. Ansaldi, Jr.

November 13, 2018